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A FRAMEWORK FOR PLANNING IN BERKELEY

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INTRODUCTION AND EXECUTIVE SUMMARY

The purpose of this report is to help Berkeley renew its tradition of innovative, responsive planning. In a studio course in the University of California's Department of City and Regional Planning, we took Berkeley as a case study, knowing the city was overdue in meeting its mandate to revise the Master Plan. Thus, we began with demographic and land use preliminaries, worked through Berkeley's political and planning history, and ended with a proposal for unconventional planning to suit current conditions and problems. The approach we recommend can be used as a framework for conducting neighborhood planning, a process for building a new Master Plan in response to diversity, a larger structure for perceiving piecemeal policy amendments, or a point of departure for newer, richer, deeper, and multifaceted discussion of the issues. Key assets of the approach include flexibility, variability and a capacity to accomodate diversity.

The report is organized to highlight the framework. It begins with mini-summaries of our analyses* of Berkeley's socio-demographic characteristics, land use planning, and planning history. These are followed by a short, historically grounded discussion of key issues. Next, the main section describes our recommendations for approaching planning in Berkeley. The framework is sufficiently novel and encourages so many options that much must still be worked out for specific applications. Therefore the appendices begin with outstanding research to be undertaken and outstanding questions to be answered. Subsequesnt appendices include analyses of socio-demographic conditions, regional context, land use history, and planning and politics history.

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*The complete analyses are included in the appendices, available at the City of Berkeley's Planning and Community Development Department and the University of Caifornia's Department of City and Regional Planning. They are strongly recommended to anyone responsible for Berkeley planning and policy.

BERKELEY'S POPULATION AND ECONOMY

Berkeley grew very quickly in the years before the Depression and during the 1940's, but its present population of 103,000 is slightly smaller than it was in 1950. Part of the decline is due to a steady fall in household size since 1960, with smaller families and more single-person households. Housing units too are smaller on the average, but the housing supply has been static since 1970. With fewer people per unit the net result has been a loss of population.

The city's racial and ethnic makeup changed in important ways during the 1970's. Berkeley lost 14% of its White population and nearly one-fourth of its Blacks; Asians and others gained population. In short, Berkeley is more ethnically diverse than ever, though it is now no more diverse than the northern Bay region as a whole.

On the other hand, the distribution of minorities within the city has not changed much since 1960. Blacks are still concentrated in South and West Berkeley, and Hispanics in the West. Asians are more dispersed, with higher concentrations around campus and in the North Central tracts.

The number of UC students in Berkeley nearly doubled during the 1960's, but has levelled off since then at about 20,000. About 11,500 of them live in non-University housing.

Berkeley has been losing both its old and its young. Since 1960 there has been a substantial drop in the number of children under 18, leading to school closings in several neighborhoods. The proportion of people over 65 has also declined, except among Blacks.

From 1970 to 1980 median Berkeley incomes fell slightly compared to the Bay Area as a whole. Blacks and Hispanics continue to have much lower incomes than Whites and Asians. The distribution of incomes has also become more polarized in recent years, with the city losing more households in the Low and Moderate income ranges than among the Very Low and Above Moderate income groups. 40% of all Berkeley households are now classified as Very Low income, though this is due in part to Berkeley's many students and small average household size.

Berkeley's economic base has three components: a large public sector centering on the University, a small manufacturing sector, and a very diverse service sector ranging from consulting firms to small retail shops. Berkeley is a commuter town: less than half its workforce is actually employed there, and nearly three-fifths of its jobs are filled by outsiders.

Since 1970 the city has lost several thousand government jobs at all levels, but this has been offset by the growth of wage and salary jobs in the private sector. Manufacturing employment has held steady, with more traditional industries losing jobs and high-tech industries expanding. The fastest growing sectors of the economy are residential construction and retail trade.

BERKELEY'S LAND USE

The basic land use pattern of Berkeley was established by the early 1900s. In West Berkeley, industrial uses developed adjacent to the railroad and San Pablo Avenue. Institutional and commercial activities grew around the University, and residential growth occupied the remaining land. By 1950, remaining parcels were scattered and limited in their potential use by small size, location, topography, and adjacent development. Figure 1. shows clearly that the distribution of land uses has changed very little since that time.
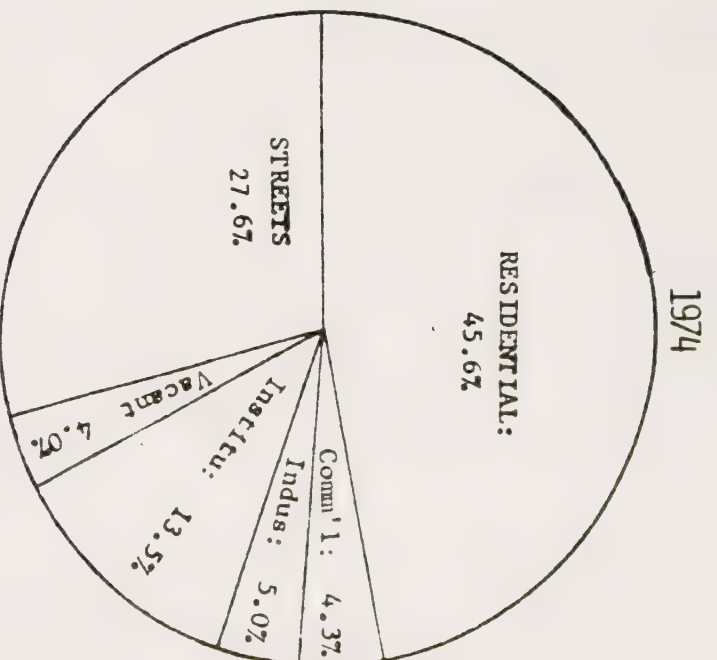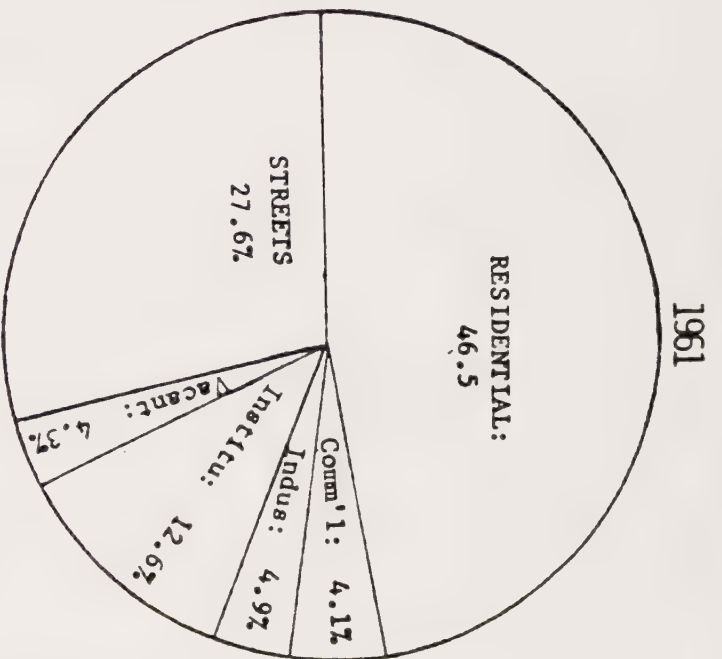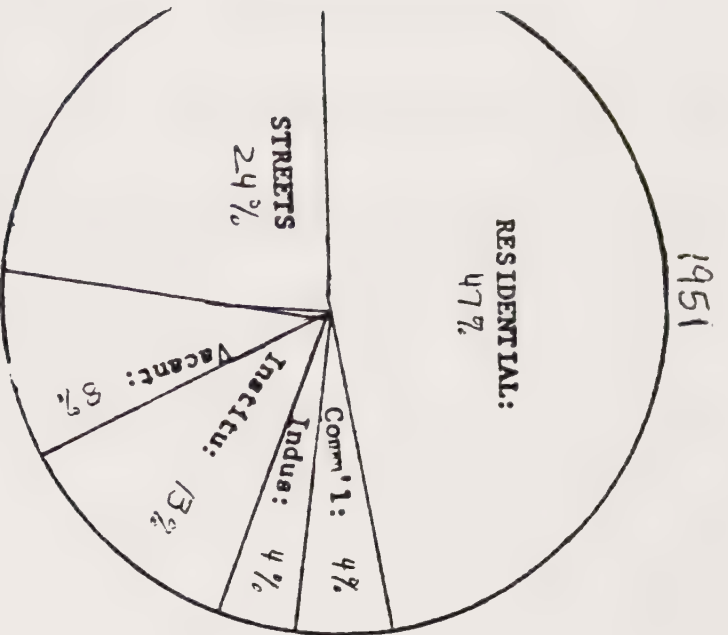
Berkeley displayed an early awareness of the importance of comprehensive, long range land use planning. In 1916, the Planning Commission established a districting ordinance which was one of the first zoning laws in the United States. Berkeley's first comprehensive zoning ordinance followed in 1920 and was typical for its time in its "overzoning" of major portions of the city. Over 50% of Berkeley was zoned to allow 6-floor apartment buildings covering 70% of the lot.

Again the city displayed its progressive planning stance in 1955 with the adoption of Berkeley's first comprehensive Master Plan. The underlying assumption of the plan was that "within the limits of the geographical and economic situation, the citizens can make of the community whatever they wish if they will decide on their goals, adopt a plan to achieve them, and work together over a period of years to carry them out." (p.2, 1955 Master Plan)

The Master Plan has been revised twice since that time. The first revision, undertaken in 1968, kept the basic structure and form of the 1955 version intact. The 1977 Master Plan, however, was an entirely different document from that of its predecessors. Part of the reason for this drastic change in the plan was the passage of the Neighborhood Preservation Ordinance of 1973 which called for "the establishment of a new planning process." (Ordinance #4641) And again, in 1982, the city's citizens acted upon the city's apparent inaction with the passage of the Neighborhood Commercial Preservation Ordinance. Thus it is clear, even today, that land use issues continue to be approached in quite novel ways in the city of Berkeley.

CITY OF BERKELEY
LAND USE DISTRIBUTION

1951

RESIDENTIAL: 47%
Comm'l: 4%
Indus: 4%
Vacant: 8%
Instcu: 13%
STREETS 24%

1961

RESIDENTIAL: 46.5
Comm'l: 4.1%
Indus: 4.9%
Instcu: 12.6%
Vacant: 4.3%
STREETS 27.6%

1974

RESIDENTIAL: 45.6%
Comm'l: 4.3%
Indus: 5.0%
Instcu: 13.5%
Vacant 4.0%
STREETS 27.6%

LAND USE	1951 ACRES	% CHANGE	1961 ACRES	% CHANGE	1974 ACRES
Residential	2942	+2.6	3023	-2.0	2964
Commercial	225	+15.7	267	+5.2	281
Industrial	276	+13.2	318	+2.8	327
Public Institution	823	- 0.5	819	+7.2	878
Vacant	483	-72.5	280	- 8.2	257
Streets	1492	+17.0	1796	---	1796
TOTAL	6241		6503		6503

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HIGHLIGHTS OF BERKELEY'S PLANNING HISTORY

1982 Neighborhood Commercial Rent Control regulates commercial change, demands neighborhood planning.

1977 Master Plan emphasizes economic and social policies, including a citizen participation element, deemphasizes land use.

1975 Fair Representation Ordinance specifies that board and commission members are to be appointed by each individual council member.

 Planning department staff work with neighborhood organizations to create 21 neighborhood profiles intended as data base for master plan revisions.

1973 Neighborhood Preservation Ordinance demands downzoning and citizen participation.

 Berkeley Democratic Club creates coalition with republicans (predecessor to ABC).

1971 Radical April Coalition (predecessor to BCA) vicotry begins era of oscillation between parties and seeming stalemate.

1968 Anti-automobile master plan amendment

 School desegregation

 Vietnam war issue starts to fractionate politics

 San Pablo pilot neighborhood planning program

1963 City council policies against land-fill, pro parks

 Downzoning proceeds against resistance by blacks and realators.
 Council opposes Planning Director's persistent proposals for neighborhood planning.

1961 Republican reign ends with liberal Democratic control in place for the next decade, inserting partisanship into city government.

1956 Long Range Development Plan for the Berkeley Campus, more or less consonant with city wishes

1955 General Plan (a national model) promotes key policies of "balance" through limiting growth, preserving views, enhancing neighborhoods, and encouraging development on "submerged Lands".

1949 Planning Director Mocine appointed

1923 Council/manager form of government adopted. This republican dominated approach was ostensibly non-partisan, reformist, and professional.
 Zoning administrator appointed

1920 Zoning ordinance adopted which, while protecting the hills, generally over-zoned to ease acceptance of the concept of zoning.

 Heggeman City-Beautiful-style plans for Berkeley and Oakland to rival San Francisc

1915 Planning Commission established

PLANNING ISSUES AND NON-ISSUES TODAY

    Berkeley's unique social and political history, its immediate needs
and constraints, and current trends come together to define the main
issues facing the city today. Every issue represents a choice, a dilemma
and an opportunity: Berkeley's issues are seldom clear-cut in the way
they are perceived or straightforward in their resolution.

    But there are exceptions, planning tasks which may have been contr-
oversial at one time but have now been successfully resolved, or are
widely agreed upon, or are no longer very relevant to the present situa-
tion. At this stage it is as helpful to identify such "non-issues" as it
is "real" issues, if only to channel attention to tasks which need it
most. We begin then with a short inventory of non-issues, elements that
are less controversial or important than others.

Non-Issues.

    ● Berkeley's fundamental character as a low-density small scale
residential city is not in danger. There is little vacant land available
for major new development of any kind apart from the Waterfront, and
any large scale renewal project is likely to meet with stiff opposition.
The boundaries of the major industrial zones will not change, and
current zoning is more than adequate to protect most residential areas
after the drastic downzonings of the 1960's and 70's. Most importantly,
there is nearly universal concensus that this is what Berkeley ought to
be like.

    ● There is strong and continuing support for parks and recreation
facilities, and an adequate system is already in place. If there are
major problems here, they are budgetary: given the city's financial
straits, how do we keep up present standards?

    ● The same holds true for social services. There is strong con-
sensus on the need to maintain services at high standards.

    ● The battle against extensive landfill is long since won, and at
the same time there is widespread support for modest development on the
Waterfront. Just how this new land should be used is an issue, or
course; that it should be created and finally put to some use is not.

    ● There will be no major changes in the transportation grid.
Berkeley will continue to encourage public transport and other alterna-
ties to the private car with the limited means at its disposal.

    ● Berkeley needs to strengthen and broaden its tax base,
and to encourage new employment.

    ● Citizen participation in the planning process should be
encouraged.

● Racial discrimination in housing and employment must not be tolerated.

● Some aspects of the University presence are becoming non-issues. With drastic budget cuts it is unlikely that the University will expand substantially in the next few years, reducing the danger of further "University creep" and the need to accomodate still more students. UC has also agreed to compensate the city for tax revenues lost from businesses renting on university property. Humphrey Go-Bart and tight parking policies have held traffic congestion steady at acceptable levels in the campus area. In short, sevral of the worst effects of the University presence have stabilized in recent years and will probably remain so in the near future.

Some Issues.

Of all the issues facing the city, it is housing that touches the most residents most directly. What seem to be at stake are two of the most fundamental aspects of Berkeley-- the diversity of its people and the low density residential character of its neighborhoods.

The city's apparent ambivalence over housing and the characteristics of residents is grounded historically and politically. The Master Plan of 1955 could advocate a balance between single family residential character and economic development precisely because new development was intended to occur on land that was then vacant-- submerged, in fact-- and so no one would be disrupted. But after the decision against bayfill the city was caught in a difficult dilemma. If it wanted to develop it had to disrupt some existing land use, changing either the type of use (from housing to industrial or commercial), its density or intensity. Because of particular political alliances the city was unwilling to passively watch while the market adjudicated these land use shifts or to actively promote development through renewal or other public policies. Instead, over time the city undertook strong preservation policies. The choice for no change was deliberate, political, and repeated.

These choices have had the effect of strangling the housing supply. With no room left to build, household size falling and maximum unit densities fixed at low levels, the city as a whole has become less and less able to accomodate the demand for housing. Gentrification is one result. House prices have risen at unprecedented rates, and only a strong rent control ordinance has prevented rents from doing the same. Low and moderate income residents are being forced out, especially Blacks, and there are signs that the process will intensify in the coming years.

Thee fears are not new. Berkeley's Blacks were angered by the downzonings of the early 1960's, charging that it was they who were most affected, and that downzoning was designed to limit and "New Englandize" the Black population. A decade earlier the Planning Department's proposal to survey housing conditions to prepare for low-income housing projects was rejected. Policy was clearly intended to keep Berkeley a

middle class family community.

Other policies have affected the housing supply in unforeseen ways. One of the effects of a strong rent control ordinance is to increase the sitting tenant's interest in preserving the status quo. Thus renters who might have advocated higher density housing in other circumstances become opponents of redevelopment. Rent control tends to favor long term tenants, posing disincentives for people to move. As the rental market silts up, new Berkeley students and employees have a harder time finding housing in the community and must commute. Both the supply and the flow of housing stagnates.

Given Berkeley's prime location in the Bay area, its attractivenes and the University presence, the demand for housing is likely to remain very high. The prime issues for housing are these:

● If only a few of the many who want to live in Berkeley will be able to do so, who should it be, and why? To put it another way, how strong is Berkeley's commitment to preserve the diversity of its population, in terms of race and ethnicity, income, owners and renters, students and permanent residents, families and non-families?

● If this commitment is real, what can be done to ensure a supply affordable housing with the minimum of impact on the character of the neighborhoods?

● The Neighborhood Preservation Ordinancee called for a minimum of 25% affordable housing in new units, but in fact almost no new units of any kind have been built since the ordinance was passed. With cutbacks in state and Federal funding, there is little hope of expanding public housing programs at present. If city policies must be implemented through the private market, how can the city make most effective use of its zoning and other regulatory powers, existing special ordinnces like Measure D and the NPO, and positive incentives to developers to preserve the existing supply of low cost housing and create new units? If there is to be a tradeoff between providing more units and preserving existing units (as there almost always is in Berkeley), what criteria should guide the choice?

● Over 10,000 of Berkeley's renters are UC students. How can the city link the issue of student housing to other city-University joint concerns to provide new leverage for the construction of more UC housing, either inside or outside Berkeley's borders?

There is wide agreement on the need to bolster the city's tax base and to create employment. With the loss of property tax revenues after Proposition 13, an even larger proportion of the city budget now comes from intergovernmental transfers. With the steady decline of Federal funds and the uncertainty of State funding from year to year, there is a very serious need for new sources of revenue. At the same time the city is concerned over the growing gap between Black and White unemployment, and economic disparities between South and West Berkeley and the rest of the city.

Berkeley has been able to attract specialty retail shops and restaurants and some high-tech industries, which do provide some jobs for unskilled and semi-skilled workers. And the hotel tax (which includes restaurants) is a key source of city revenue.

Fostering "regional-serving" commerce is often politically unpopular, despite the fact that it bolsters the city's tax base and provides at least some jobs for the disadvantaged. The reasons are both complicated and simple. First, congregations of restaurants, bakeries, bars and the like tend to become local nuisances in proportion to their success. The more people they attract, the greater the traffic, noise and litter problems they create. Second, many of these new ventures are innovative and specialized; as such, they are likely to be small and to have a high failure rate. In a similar way, many small manufacturing firms have gotten their start in Berkeley, only to relocate outside the city when the time comes to expand and routinize their operations.

For these and other reasons it is difficult to create Berkeley jobs which are nicely matched to the needs and capabilities of the local workforce. To even attempt it may seem a rather far-fetched idea for a complex, highly specialized, multi-government metropolis like the Bay Area. But there may be scope to work cooperatively with nearby cities, encouraging each to provide its share of jobs for the region's unskilled.

● To what extent is Berkeley responsible for providing jobs for its workforce? If it has a special responsibility to help residents who are least employable, how can the city foster enterprises which are stable and profitable, and at the same time encourage balanced employment opportunities?

● Since the city is so built up, accomodating new businesses implies either a conversion of land from existing uses, or replacing existing businesses. As the history of the NCPO and the North Shattuck Plan make clear, there is strong resistance to replacing locally oriented businesses with specialty shops serving regional needs. At the same time, these nonlocal shops have provided a large proportion of the new employment created since 1970. What is the most effective way to ensure an acceptable balance between neighborhood-serving and city or regional-serving commercial development?

Complexity and Opportunity.

These issues are hardly exhaustive. Neverthelesss they represent important illustrations because of their current salience. Other issues, notably infrastructure maintenance, may be major but are almost never mentioned. These particularly prominent issues demonstrate how they have become polemicized, layered, and convoluted by the political process.

Although the main issues are wide-ranging, they are linked in a tremendous variety of ways and on many levels-- as interests of

particular neighborhoods and constituencies, as co-elements in party platforms, as economic causes and effects. The complexity and many-sidedness makes them seem intractable at times, but it also permits them to be recast in many different ways. De-linking, reformulating, and re-linking issues holds out the promise of approaching 'unresolvable' dilemmas in new ways. For example, with regard to development and pro-perty rights a discussable reformulation might be "how can we provide property owners with stable, reliable guidelines for developing their properties over the next decade or so?"

RECOMMENDATIONS FOR APPROACHING PLANNING: THE NEIGHBORHOOD-POLICY MATRIX

Introduction

We have found that people involved in planning in Berkeley often feel that they are not getting much accomplished despite the long hours and creative talent being invested. In large part this is because Berkeley's citizens hold a great diversity of views about what Berkeley's essential character is, and should be. Even more importantly, there are real differences of opinion about where the city is going and where it should be going in the future. And with Berkeley's very politically active citizenry, the net result of this intense conflict of opinions and future visions is simply a stalemate. In this way, then, not as much is getting accomplished as could or should get accomplished given the vast resources we have at our disposal in this city.
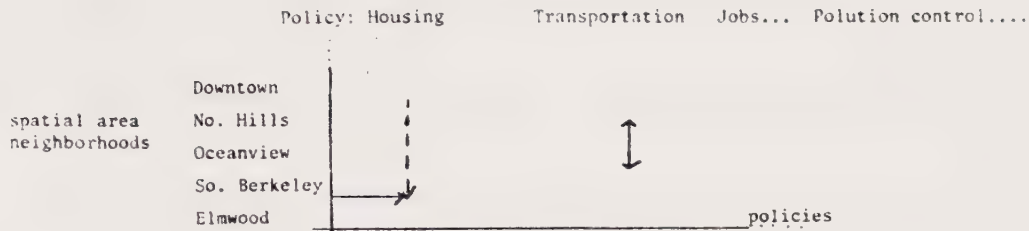
We recommend that the city adopt some unconventional approaches to city planning in order to break this frustrating stalemate. These unconventional planning styles do not simply allow for diversity: they attempt to use this diversity creatively to improve the planning process. Two key characteristics of this new approach are variability of policy content, form, and implementation, and flexibility in all stages and aspects of the planning process.

The Neighborhood-Policy Matrix.

This variability and flexibility can be successfully achieved by adopting a neighborhood-policy framework for Berkeley's unconventional planning needs. The framework can incorporate both neighborhood and citywide concerns into planning process at the same time. This can perhaps best be illustrated using a matrix. (Figure 2.) On the vertical axis of this matrix lie geographical units, in this case neighborhoods of the city. On the horizontal axis are the various needs addressed by citywide policies. A matrix framework is central to our proposal, as it allows both city territory and city policy to be disaggregated and treated in smaller units-- a key feature to working creatively with the city's diversity. It is neither totally centralized, nor decentralized, but instead incorporates elements of both into the planning process.

The framework can be analyzed or approached in many different ways. First, looking down the matrix reveals that any one policy will have different consequences for each of the neighborhoods in the city. Similarly, any one policy will generate different amounts of local concern when it "hits the ground" in various neighborhoods. For example, a city policy of generating 1000 new jobs in Berkeley by 1988 - no matter how it is actually implemented - will have vastly different impacts upon, and receive vastly different responses from residents in West Berkeley, the North Hills, or the Elmwood.

Reading across the matrix suggests that the neighborhoods have

```
                      Policy: Housing      Transportation  Jobs... Polution control....

            Downtown
spatial area  No. Hills
neighborhoods Oceanview                         ⇕
            So. Berkeley
            Elmwood                                          policies
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different wants and needs, different demographic characteristics, and so
different types and amounts of resources at their disposal. Thus, each
neighborhood will also have different concerns with respect to city
policy, different reactions to city policies, and different priorities
as to what policies it thinks the city should concentrate its time and
resources upon.

These different priorities or concerns over different policy areas
can be complementary to one another. For instance, Elmwood's policy
goals of preserving the area's residential character and controlling
commercial development complements its concern over parking and traffic
problems in the area. But they can compete or conflict with one another
as well. This is the case in West Berkeley, which has shown a desire
for industrial development while at the same time expressing great con-
cern over heavy truck traffic on 6th avenue (which would undoubtedly
increase with such development).

This interaction need not occur only along single-policy or
single-neighborhood lines. In fact, one policy in one area may nicely
complement, or compete or conflict with an entirely different policy in
an entirely different area of the city. Furthermore, a city policy
intended to affect only one geographical area may well have cumulative
impacts upon other parts of Berkeley at the same time.

If the city is aware of the needs and concerns of its diverse geo-
graphical units, it can begin to find places where there is scope for
mutually beneficial deals and compromises. In that way it can use the
city's diversity to work towards achieving both citywide policies and
goals and neighborhood policies and goals at the same time in the same
planning process.

Multiplying Options

To actually plan within this framework-- to work toward citywide
goals in the process of providing for neighborhood needs-- will call for
much more flexibility and inventiveness than in conventional local plan-
ning. The city and the neighborhoods will both want to expand the
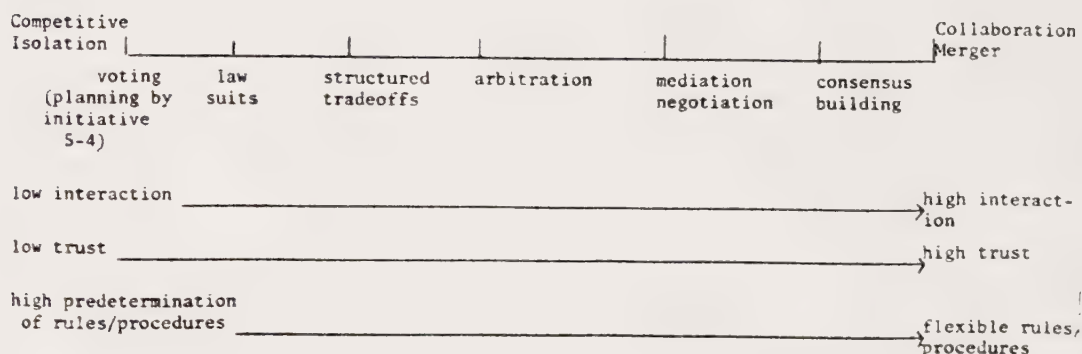universe of options open to them for translating needs and preferences

into concrete policies and programs. There are two basic ways to multiply options:

● First, by varying the way policies are decided upon, and conflicts are resolved.

● Second, by varying the policies themselves: their form, content, and the way they are implemented.

For all its innovativeness, Berkeley has yet to exploit the full spectrum of arrangements available for settling policy conflicts. Figure 3. pictures several alternatives ranged on a dimension from more polarized forms to more collaborative forms. They also vary in the amount of communication and trust between the participants, and from procedures that are more pre-structured to those that are more flexible. Each of these approaches has its own characteristic strengths and weaknesses, and work better in some situations than others. Taken together as a "toolbox" of techniques, they offer the city a good deal of flexibility in accomodating diverse interests and avoiding stalemates. This can help to produce policies that are more just, more implementable, or at least less burdensome to the people they affect.

Table 3
Variable Modes of Treating Conflict

```
Competitive                                                                          Collaboration
Isolation |_____|_____|_____|_____|_____|_____|            Merger
          voting     law      structured   arbitration   mediation    consensus
          (planning by suits  tradeoffs                  negotiation  building
          initiative
          5-4)


low interaction _____> high interact-
                                                                   ion
low trust _____> high trust

high predetermination
  of rules/procedures _____> flexible rules,
                                                                procedures
```

Ways of Dealing with Conflict: Some Examples

We have seen how differences in policy can be played out among the various neighborhoods in our framework. This section uses housing policy examples to suggest how the different modes of resolving conflict could be useful in working out more specific arrangements with the neighborhoods. Housing is a thorny issue in Berkeley. How might the city and neighborhoods deal with it?

Berkeley has had plenty of experience in making planning decisions at the polarized end of the scale-- elections, planning by referendum, and party-line voting in the Planning Commission. These are winner take all strategies, and unless there is a clear, stable political majority, they can lead to long term stalemates or inconsistent policies over time.

But there are other promising approaches open to us. One is pre-structured tradeoffs, a form which is finding more and more applications in planning. It is a set of closely constrained choices, as where big developers are required to provide streets and infrastructure in exchange for planning permission, or in Berkeley's Section 15-1.1 provisions, where developers must replace the housing units they destroy, either on the original site or elsewhere.

Permitting structured tradeoffs could function as a safety valve, so neighborhoods would not be forced to accept unpopular policies with no alternatives other than obstruction. For example, if the city required every neighborhood to provide some fair share of affordable housing units, neighborhoods might be allowed the alternative of contributing to a fund for subsidized housing in some other part of the city.

Bargaining with arbitration is most useful when there are two groups which are structurally opposed but who share some underlying interests. It permits a fairly narrow set of quid pro quo tradeoffs, but the threat of binding arbitration gives both parties an incentive to reach some mutually agreeable settlement. Rent Arbitration boards for landlords and tenants sometimes work this way, and an arbitration clause could be tacked on to other bargaining situations that are likely to be deadlocked.

In mediated negotiation there is even more freedom in setting the agenda, and there can be more than two sides to the dispute. Good negotiations work by broadening rather than narrowing down the range of issues to be considered. This makes it possible for each interest group to get what it wants most by compromising on issues less important to it. In that way negotiations have excellent potential for a diverse city like Berkeley; they are also well suited to a situation like the Master Plan revision, where many issues come up for consideration at the same time.

In the housing example, the city could set affordable housing goals, but allow the neighborhoods to negotiate how they would provide their affordable units-- through new construction, conversion, second units, or some other scheme designed by the neighboroods themselves. In a more complex set of negotiations neighborhoods could agree to provide more than their fair share of housing in return for other concessions.

At the most collaborative end of the spectrum is consensus building. This would be a crucial activity within neighborhoods, both before and during negotiations.

These few examples do not exhaust the possibilities by any means, but they should serve to show the potential for novel forms of decision-making. We recommend that the city take advantage of the full range of conflict-solving tools available to it. That includes the possibility of varying the method by issue or by neighborhood, as the situation demands.

Variable Policy Options

Another way to multiply options is to vary the form and content of the policies themselves. We have already mentioned two important ways that policies can vary within the framework:

● Different policies will be more or less important to different neighborhoods; and

● The same policy goal can be implemented in different ways in different parts of the city.

There is a third dimension of variation, very relevant to our approach. Policies can vary in what they specify and what they leave up to the neighborhoods. For example, when the city sets performance standards (as in building codes) it spells out minimum limits or goals without specifying how those goals should be reached. In other situations it may employ procedural standards, which set out guidelines for action but not outcomes (as in community block grants that require a proportion of the funds to be spent in poor neighborhoods, without saying what the money should be spent for.)

The point is that the city can exploit any of these dimensions to strategically choose which aspects of a policy are to be negotiable and which are not. Obviously, some things would call for a uniform, non-negotiable city policy-- rent and eviction controls for example. In other cases the city government might allow only the leeway of structured tradeoffs. In still others it could set general goals and negotiate with the neighborhoods on how to implement them.

So in dealing with the neighborhoods within our framework, Berkeley would certainly not be forced to 'give away the store' to the neighborhoods if it did not choose to. On the other hand, it must also be careful about locking up issues in the non-negotiable category without good reason: tradeoffs are pointless if there are nothing but trivialities to trade with. But it is clear that Berkeley can act within a framework of negotiations to protect vital citywide interests.

One key purpose of proposing multiple ways of treating conflict, varying policy form, and varying its application is to offer choice, a means of escaping the win-lose trap. Complexity creates possibilities for combining and adapting issues in an array of win-win-win-win clusters. Thus even discussions of whether to begin negotiation by accepting the current distribution of benefits and harms or, alternatively, by constructing trading positions on the basis of equal distribution can usefully be disaggregated. So, for example, on housing questions, negotiation might posit an equal starting point of a particular density, whereas on transportation questions negotiation might accept the current unequal distribution of convenience to public transit. The point is to recognize but transcend neighborhoods' existing "debits" and "credits" to the public interest, by devising many combinations of goods and bads tailored to each neighborhood's priorities. Thus some "goods" will seem more glorious and some "bads" less horrendous in the views of different

neighborhoods.

It should be stressed that all these variable elements-
• methods for reaching agreement on policies;
• the form and content of the policies themselves;
• and the neighborhoods where they will be applied, can be combined
and recombined in an almost endless variety of ways. Berkeley has many
more options than we might think at first. They offer the city a chance
to use its greatest resource-- ideas and imagination--- to respond to
the diversity it values so strongly.

Implementing the Matrix

Because the framework can be organized and implemented in so many
different ways, it becomes difficult to anticipate in detail the actual
ways it might work here. The techniques we have described can be effec-
tive negotiating a single issue with a single neighborhood, or as a com-
ponent of a comprehensive, city-wide revision of the Master Plan in
which every part of the city is represented by a neighborhood.

Nevertheless, we have identified four features which must be faced
regardless of the particular choice of techniques or the scale on which
they are implemented. These are:

1) The cost of the process
2) The way the city is represented
3) The way neighborhoods are represented
4) The general form the final agreement takes.

Costs

The complexity of issues offers the opportunity to reformulate
issues in ways that may be discussed constructively. To reformulate
issues in this way will demand a great deal of information, it is true.
Moreover, issues will be aggregated and reformulated in response to dif-
ferent neighborhoods, which is apt to increase the demand for informa-
tion still further. Yet these new demands need not overwhelm city staff.

Much of the research can be conducted by students. The list of
research topics in Appendix A suggests a number of self-contained and
important studies which can be used for term projects and exercises,
team projects, professional reports and the like. Reorganization may
also free city staff for some of these analyses, and others may be par-
celled out to consultants. To facilitate negotiation, all information
must be publicly available as a matter of policy, no matter who prepares
it.

Regarding the city's professional planning staff, we suggest that the city staff be responsible only to the assistant city manager for plannng and community development. The assistant city manager should be expected to balance the conflicting demands of the city planning commission and the city manager. City staff should not be expected to act as neighborhood staff. Though such stinginess might be dangerous in other cities, it will not seriously affect negotiations in Berkeley. Neighborhoods will rely on students and resident volunteers who (in contrast to most other cities) may well have skills, talents and experience surpassing those of city staff.

We do anticipate some minor additional costs associated with the occasional need to hire an impartial outside mediator on a part-time, consulting basis. The mediator should be an outsider familiar with Berkeley, not a regular city employee.

We also expect some reassignment of staff time , primarily to do background research on issues for the Planning Commission. Staff would not, however, be available for extensive consultation with individual neighborhood groups.

The City's Position

We assume that the city's representative in much of this process will be the planning commission. The city council may wish to reserve for itself the option of negotiating on certain issues. But if this is the case, it is vital that the Council and the Planning Commission work out a clear division of labor and responsibility prior to any negotiation, and to stick to it. It is also essential that the outcome of the negotiations must be respected by the council. This is not an insurmountable problem, and will become less difficult as the negotiating process gets underway and is successful.

City officials are elected or appointed to serve the interests of the city as a whole. Those interests are fourfold. First, officials must attend to broad social and economic concerns for the current public at large, and for future generations. Such issues include historical, environmental and scenic preservation, and protection of Berkeley's economic and ethnic diversity. Second, city officials must protect various minority groups whose interests cut across territorial boundaries and so are ill-suited to neighborhood representation. Such groups include the disabled, property owners, students, and ethnic minorties. Third, city officials represent Berkeley as a municipal corporation. In this role, priority concerns include increasing the tax base and maintaining infrastructure. Fourth, a citywide view must ameliorate problems generated by decentralized planning. One neighborhood may impose spillover harms on another, and all the neighborhoods' self-serving plans may add up to collective harms. For example, one neighborhood might shunt noxious traffic into the next; and if every neighborhood chose to exclude grocery stores, Berkeley citizens would eventually have to shop in Albany or Oakland! The citywide role must encompass the broad and occasonally contradictory roles of protecting major social and future

concerns, existing minority groups, and the municipal corporation, while mitigating unwanted side effects of neighborhood planning.

We recommend that the city never allow itself to act as a mediator. For one thing, this will help to avoid potential political repercussions. Second, the city will sometimes find itself a participant in negotiations, and will not want to be involved in a conflict of interest. This is also the rationale for employing an impartial outside mediator.

The framework holds the promise of making the prevalent condition of extreme conflict more palatable politically. Even those who consider stalemate to be a good or at least reasonable compromise are likely to find decently working mediation to be constructive. If not, stalemate will again prevail.

If the current political balance shifted and one political party secured a large stable majority, then the city-wide dimension of the matrix would be much strengthened. Nevertheless the planning framework could probably still work effectively and much more expeditiously. Having proved that planning for diversity was feasible even in polarized conflict, variable style planning could adapt generally agreed upon policies all the more easily when conflicts became less frequent and dramatic. Even the minority party would find more opportunities to implement its ideas at the local level in areas where it is strongest.

On the other hand, if the city adopted district elections, then the neighborhood dimension would be strengthened. And if district elections were coupled with a stable, large majority in a political party, then both dimensions of the matrix would be strong and citywide-neighborhood planning would probably flourish.

Representation and the Neighborhoods' Role.

We recommend that participation in the negotiation framework be limited to territorially defined neighborhood groups. This is first of all to insure the managability of the process. As mentioned earlier, wider, non-place-specific interests will have access to the traditional channels of political participation, including their neighborhood organizations and the Planning Commission.

It would be unreasonable to assume that neighborhoods are homogeneous units whose residents look only within their neighborhood to satisfy their needs. Of course people have an array of different interests which cross not only neighborhood but metropolitan, state, and even national boundaries. Thus some interests will be disparate. Others will be shared, simply because residential patterns in Berkeley (like most places in the U.S.) segregate by race and income. Still other shared interests derive directly from place: the goods of well maintained streets, storm sewers, and parks and the bads of litter, noise, and air pollution, for example. Neighborhood organizaions will purport to represent their areas principally on place-related issues, somewhat on income related issues, and not at all on special interests.

The formality with which individuals gain authority to represent others in their neighborhood is a matter of public choice. Representatives might be chosen in neighborhood elections held as part of upcoming ciywide, state and national elections. Or existing neighborhood organizations might circulate petitions, with a prespecified level of adult signatures from the neighbhorhood conferring legitimacy. In the end, what makes an organization or slate legitimate and "representative" is a publically agreed-upon and democratic method of selecting it.

The amount of care given to the issue of representation depends on the the amount at stake in the negotiations, and on the scale on which the famework is adopted. For example, if the city began with a pilot program, interested neighborhood groups might approach the planning commission with a proposal voluntarily. If, on the other hand, the framework was to be implemented citywide (perhaps as part of a Master Plan revision) fair and clearly defined representation must be assured for all residents in every part of the city.

The incentives for neighborhoods to participate will sometimes be related to funding and sometimes not. For example, a neighborhood could negotiate for Community Development Block Grant funds, or priorities in city capital expenditures. It may instead (or in addition) try to get particular city policy changes or favorable zoning changes, or perhaps the use of city staff to help write grant applications. For some neighborhoods, the most important incentive may be the chance to set local priorities and to have an effective channel for getting action on neighborhood goals.

(The process is hardly a panacea. Disadvantaged neighborhoods will remain disadvantaged, relatively. But they wll receive more in compensation than under traditional methods of allocating goods and bads. Similarly, advantaged neighborhoods will remain advantaged, relatively. But the costs of their privileges will be more transparent and the pressures to contribute to the public interest will be more severe than under traditional methods of allocation.)

The Final Agreement.

The final form of each negotiation should be a written document outlining the terms of the agreement and signed by the city and the neighborhood. If the negotiations are successful, each side will have a vested interest in seeing the agreement carried out. The final document simply acts as a record of the agreement, and as a formal committment on the part of all participants (including the city) to abide by its terms.

How Might the City Proceed with Unconventional Planning?

Because the proposal for planning within a citywide-neighborhood framework promotes many options, the issue of how to proceed poses several sub-questions: First, is the City capable of proceeding?

Second, should it proceed comprehensively or incrementally? Third, how can it vary its policy choices and formulations strategically??

City officials have the legitimate right-- and the obligation-- to plan for the city as a whole; this is what they have been elected or appointed to do. That legitimacy is reinforced by day-to-day politics and the responsiveness of elected and appointed officials to special interests. The problem is that in Berkeley the political process can be so elaborately fractionated that it undermines the formal, legitimate authority to plan for the city as a whole.

We recommend that the planning commission (in collaboration with, or through some pre-specified agreement with the Council) try to formulate a set of general citywide policies that all members support. If, after a prespecified amount of time, perhaps five months, the commission can reach no agreement among its members, we recommend that the city invite selected neighborhoods to propose their own priorities for negotiation with the city. This more bottom-up mode is proposed not as the ideal, but rather as a contingency plan if the commission fails.

The city can choose to label the planning exercise a revision of the master plan or not, whatever seems in its best interests. Either way, the City still has the choice of using the citywide framework as a whole, or of applying particular techniques and procedures from the framework to specific problems as they arise. The immense variability proposed by the framework invites an incremental approach. Nevertheless many differents sets of issues could be constructively negotiated concurrently. We recommend a modest, incremental beginning. Adopting the framework for the entire city all at once would entail formalized participation for all neighborhoods, specific Planning Commission agreements on a range of potential policies, a fair amount of research, and widespread political support for an unconventional decision process. With an incremental beginning, a few citywide policies could be negotiated with one or two neighborhoods to build up experience and confidence.

The variability that the framework encourages is meant to be exploited. Every choice permits a responsiveness to neighborhood and citywide concerns. It behooves the city to use the framework strategically, especially in its early stages. The city should take care to select clearly represented neighborhoods that can bargain well in their own interests, so that they are likely to derive some satisfaction and success from negotiation. The City should select its issues and the form in which they are presented, so that they offer genuine opportunities for mutual adjustment and compromise and also move the city forward, giving the city some satsifaction from negotiation as well.

In choosing its issues, the planning commission might begin by reviewing this document and the its 1977 Master Plan to identify several policies on which it is willing to be flexible. This cluster of opportunities can be supplemented by one or two more difficult or hardline issues. Housing would be a good candidate for one of these hardline issues, since a completed implementation section for the Housing Element would make make Berkeley eligible for badly needed housing subsidies.

SUMMARY

Berkeley is a mature community in a beautiful and convenient loca-
tion within an economically vibrant metropolis. As such it faces gen-
trifying pressures on its valued ethnic and-income group diversity, and
development pressuresand on its low densities and vistas. While neigh-
borhoodpreservation is widely supported, its implications for other
goals create genuine conflicts. These are elaborated, involuted, and
attached to other issues in a complex political structure which tends to
mold them into win-lose choices. Stalemates and policies which oscillate
over time, and planning by referendum, are often the result.

Berkeley's situation seems to call for a planning approach which
transcend both the stalemate and a unitary vision. We suggest a frame-
work which is flexible and accomodates different values. It does so by
breaking up issues and tailoring these disaggregated policy choices to
the diverse interests of different neighborhoods. The principle is to
vary policies, places, and approaches to create many options and so to
combine and adapt issues in an array of win-win clusters. Important
current issues, such as housing and economic development can thus be
disaggregated and negotiated along with smaller-scale maintenance issues
and neighborhood-specific problems. The framework can be used on any
scale, incrementally or comprehensively and without inordinate expense,
as it relies on some of Berkeley's special assets: spirited participa-
tion and diverse ideas. We believe that this is a workable process
which not only respects and acknowledges Berkeley's richness and com-
plexity, but which can achieve constructive movement forward at the same
time.